

4.4.3-1 INTRODUCTION

This chapter considers the potential for the Project to affect designated wild, scenic, and recreational rivers. The Project is located, in part, over the Genesee River in Letchworth State Park in Livingston and Wyoming Counties, New York. The portion of the Genesee River that would be affected by the Project is protected by federal legislation, the Genesee River Protection Act of 1989, which gives the portion of the river located in the park the same protection as a “Study River” under the federal Wild and Scenic Rivers program. The Genesee River within Letchworth State Park is also designated as a Scenic River by New York State in accordance with the state’s Wild, Scenic and Recreational Rivers Act.¹

4.4.3-2 METHODOLOGY

This chapter was prepared in accordance with Section 7 of the Wild and Scenic Rivers Act of 1968, as implemented by federal regulations appearing at 36 CFR Part 297. This law and regulations require that federal agencies consider the effects of their actions on those qualities of a listed river for which it was designated, including the river’s free-flowing condition, water quality, and listed “outstandingly remarkable values” (ORVs), as well as potential adverse effects on the natural, cultural, and recreational values of a listed or Study River. The chapter was also prepared in accordance with the New York State Wild, Scenic and Recreational Rivers Act as set forth in Article 15, Title 27 and implemented at 6 NYCRR Part 666. That act and the noted regulations govern the management, protection, enhancement and control of land use and development in river areas on all designated wild, scenic and recreational rivers in New York State.² The following describes the applicable laws and regulations that are pertinent to the Project.

- ***National Wild and Scenic Rivers Act of 1968 (16 USC §§ 1271-1287; Public Law 88-29 and 90-542, as amended)***: The National Wild and Scenic Rivers Act states that it is “the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geological, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of future generations.” The National Wild and Scenic Rivers System list is maintained by the National Park Service (NPS). To be listed, a river must be free-flowing and possess one or more Outstandingly Remarkable Values. Rivers are designated under this program as wild, scenic, and/or recreational, and each designated river is administered by a federal or state agency. Federally assisted “water resources” projects (defined in Section 7 guidance as those that would affect the free-flowing nature of the river) are

¹ <http://www.dec.ny.gov/permits/32739.html>.

² As discussed in Chapter 4.1 of the DEIS, the New York Wild, Scenic and Recreational Rivers Act and its regulations are preempted under the circumstances by the Interstate Commerce Commission Termination Act of 1995 (ICCTA), 49 USC Section 10501 and other applicable federal law. Norfolk Southern will nonetheless meet New York State’s requirements where it is possible or appropriate to do so without interfering with rail operations, and as discussed later in this chapter, to the extent that New York’s Wild and Scenic Recreational Rivers Act would require a permit for the Project, compliance with such law may not be possible or appropriate here.

prohibited if they would have a “direct and adverse effect” on the values for which a river was added to the National Wild and Scenic Rivers System. The Section 7 guidance defines federally assisted project as those requiring federal permits or authorizations.³

In addition to designated wild and scenic rivers, the regulations also establish a category of rivers that may be eligible for such designation, known as “Study Rivers.” Most rivers are added to the National Wild and Scenic Rivers System after being designated as Study Rivers. This designation is made by Congress, which authorizes a study by adding the river to Section 5(a) of the Wild and Scenic Rivers Act. The Wild and Scenic Rivers regulations (36 CFR Part 297) establish Study Rivers as a temporary condition. The regulations define the term, “Study period,” as “the time during which a river is being studied as a potential component of the Wild and Scenic Rivers System and such additional time as provided in section 7(b)(ii) of the Act not to exceed 3 additional years during which a report recommending designation is before the Congress, or such additional time as may be provided by statute.” During the Study period, the regulations give the same protection to rivers designated as Study Rivers as those designated as Wild and Scenic Rivers. For Study Rivers designated under Section 5(a), federally assisted projects are prohibited if they would have a “direct and adverse effect” on the values for which a river was added to the Study Rivers list, for an interim period after that designation.

In addition to the National Wild and Scenic Rivers System, the NPS has compiled and maintains the Nationwide Rivers Inventory (NRI). The NRI is a register of rivers that may be eligible for inclusion in the National Wild and Scenic Rivers System but have not yet been authorized as Study Rivers. The purpose of the NRI is to provide some protection from the adverse impacts of federal projects until such time as they can be studied in detail. All federal agencies must seek to avoid or otherwise mitigate actions that would adversely affect any NRI segments.

Under Section 7 of the National Wild and Scenic Rivers Act, federal agencies with “water resources” projects—including projects that require federal permits or authorizations—must consult with the river-administering agency regarding effects to rivers that are part of the National Wild and Scenic Rivers System, designated as Study Rivers under Section 5(a) of the National Wild and Scenic Rivers Act, or listed on the Nationwide Rivers Inventory. On state-administered wild and scenic rivers without adjacent federal ownership, the Secretary of the Interior, through the NPS, is responsible for making Section 7 determinations.

- **Genesee River Protection Act of 1989:** This act states, “In order to protect for present and future generations the outstanding scenic, natural, recreational, scientific, cultural, and ecological values of the Genesee River within Letchworth State Park in the State of New York, and to assist in the protection and enhancement of the gorge’s archaeological sites of sacred significance to the Seneca Nation, historic areas, endangered plant communities, and diverse recreation uses, the protections afforded for rivers listed in section 5(a) of the Wild and Scenic Rivers Act (16 USC 1276 (a)) for study for potential addition to the National Wild and Scenic Rivers System shall apply to the segment of the Genesee River beginning at the southern boundary of Letchworth State Park and extending downstream to the Mt. Morris Dam, except that the protection so afforded shall not interfere with the Secretary of the Army’s operation and management of Mt. Morris Dam as authorized for purposes of flood control.” The purpose of this act was to apply the protections afforded for rivers listed as “Study Rivers” under the National Wild and Scenic Rivers Act (see above) to the stretch of the Genesee River in Letchworth State Park, except that such protections shall not interfere with the management of Mt. Morris Dam.

³ Wild and Scenic Rivers Act: Section 7, Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council, October 2004; available at <http://www.rivers.gov/publications/section-7.pdf>.

- ***New York State Wild, Scenic and Recreational Rivers Act (Article 15, Title 27; 6 NYCRR Part 666)***: New York State's Wild, Scenic and Recreational Rivers Act protects those rivers of the state that possess outstanding scenic, ecological, recreational, historic, and scientific values. These attributes may include value derived from fish and wildlife and botanical resources, aesthetic quality, archaeological significance and other cultural and historic features. As set forth in this act, it is State policy to preserve designated rivers in a free-flowing condition, protecting them from improvident development and use.

The implementing regulations for the New York State Wild, Scenic and Recreational Rivers Act establishes three separate designations for rivers—wild, scenic, and recreational. A river may be assigned one or more of those designations. Depending on a river's designation, the regulations govern authorized activities along and in the river and identify which activities require permits from the New York State Department of Environmental Conservation (NYSDEC). The regulations require that “all new land use or development” in a designated river area must comply with standards established by the regulations. (6 NYCRR § 666.2(g)).

4.4.3-3 EXISTING CONDITIONS

The Genesee River flows from its source in Ulysses, Pennsylvania north to Lake Ontario at Rochester, New York. Within the Project area, the Genesee River follows a meandering course northward through the deeply cut canyons of the Genesee River gorge in Letchworth State Park. The gorge, also known as the “Grand Canyon of the East,” is approximately 22 miles long and up to 550 feet deep. The gorge cuts through mid-Paleozoic sedimentary rocks overlain by poorly consolidated rocks and glacial sediments of the Pleistocene age. Three large waterfalls, the Upper, Middle, and Lower Falls, are located in the park at its southern end. The trails, overlooks, and picnic areas within the park offer views of the river, waterfalls, and gorge. The river banks are generally forested, adding to the natural scenic quality of the gorge. The stretch of the river from Portageville to Mount Morris Dam has a “scenic” designation under the New York State Rivers program for its scenic qualities.

The Portageville Bridge spans steep gorges on either side of the river. There is an approximately 300-foot drop from the rim of the gorge to the Genesee River at the bridge location. The Portageville Bridge is located directly south (upstream) of the Upper Falls. The Middle Falls and Lower Falls are located farther downstream (north).

Letchworth State Park is listed on the State and National Registers of Historic Places. The National Register nomination includes 338 inventoried contributing resources located in the park. These include the existing Portageville Bridge and a number of other park features near the bridge (e.g., the Park Road, trails, a parking lot, a historic sign, and fieldstone walls). Letchworth State Park's National Register listing also notes the importance of the river and river gorge to the park's setting and history, and the fact that many of the park's contributing elements were designed specifically to take advantage of scenic views of the river gorge. In addition, sites within Letchworth State Park, such as certain trails as well as archaeological sites, are significant to Native American tribes. Based on archaeological investigations undertaken for the Project, no such archaeological sites are located in the Project area (see Chapter 4.4.11 of the DEIS, “Historic and Cultural Resources”).

West of the Portageville Bridge, the railroad right-of-way on the western bank of the river passes through wooded and densely vegetated areas in Letchworth State Park. A small (0.09-acre) wetland is located within and adjacent to the railroad right-of-way.

On the east side of the river, the railroad right-of-way extends through densely vegetated and forested areas of Letchworth State Park and through private land. In this area of private land, the land south of the right-of-way is mostly forested, with a large clearing. This area (outside of the

Project site) includes an archaeological site associated with a former hotel, the Cascade House, located here for more than 100 years beginning in the mid-19th century.

The area around the Project site includes a number of ecological communities, including two that are considered significant from a statewide perspective. With this habitat diversity and the large acreage of forested land in Letchworth State Park, wildlife likely to be present includes a variety of birds, mammals, reptiles, amphibians, and insects, including some that are protected by federal or New York State law. Letchworth State Park has been identified by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as a Bird Conservation Area and by the National Audubon Society as an Important Bird Area.

4.4.3-3-1 National Wild and Scenic Rivers

The portion of the Genesee River located within Letchworth State Park has been protected by special federal legislation, the Genesee River Protection Act of 1989. This legislation gives the river the same protection as is given to rivers that are designated as Study Rivers for the federal Wild and Scenic Rivers program. As noted above, the Genesee River Protection Act identifies this portion of the Genesee River as possessing “outstanding scenic, natural, recreational, scientific, cultural, and ecological values” and “archaeological sites of sacred significance to the Seneca Nation, historic areas, endangered plant communities, and diverse recreation uses.”

Most of the Genesee River within New York State—extending from south of Rochester almost to the Pennsylvania border, and including the stretch of the river within Letchworth State Park—is also listed on the NRI. The NRI designation for the stretch of the river from within the park (from Portageville to the Mt. Morris Dam) identifies three ORVs—geologic, recreational, and scenic values.⁴ The NRI designation describes those three values as follows:

- *Geologic Value:* As set forth in the NRI designation, the Genesee River's Geologic ORV is related to its three major waterfalls. They are considered the most outstanding example of representative river-related topographic features in that section of the river.
- *Recreational Value:* According to NPS's website, the Genesee River's Recreational ORV is for Class II and III paddling opportunities for six miles between Lee's Landing (below Lower Falls) and St. Helena (however, information provided by OPRHP indicates that the rapids in this portion of the river are Class I and II). This segment of the river is located approximately four miles north (downstream) of the Project area.
- *Scenic Value:* The NRI designation notes that this segment is within Letchworth State Park and has a "scenic" designation under the New York State Rivers Program for its scenic qualities.

4.4.3-3-2 New York State Wild, Scenic, and Recreational Rivers

The segment of the Genesee River within Letchworth State Park is designated as a Scenic River by New York State under its Wild, Scenic and Recreational Rivers program. As established in the regulations for this program (6 NYCRR § 666.4(b)), “Scenic rivers are generally free of diversions or impoundments with limited road access. Their river areas are essentially primitive and undeveloped or are used for agriculture, forest management and other dispersed human activities which do not in themselves substantially constrain public use and enjoyment of these rivers and their environs. Management of scenic river areas will be directed to preserving and restoring their natural scenic qualities.”

⁴ <http://www.nps.gov/ncrc/programs/rtca/nri/states/ny.html>.

4.4.3-4 EFFECTS ASSESSMENT

4.4.3-4-1 No Action Alternative

The No Action Alternative would have no adverse effects on the wild, scenic, or recreational values of the Genesee River. The river's ORVs would remain unchanged and the river would continue to flow under the bridge and around the three existing bridge piers present in the river. There would be no increased point or nonpoint sources of water quality pollution entering the river. The No Action Alternative would also not adversely affect historic resources or the visual landscape, as the Portageville Bridge would be retained and its context within Letchworth State Park would not be altered.

4.4.3-4-2 Preferred Alternative

National Wild and Scenic Rivers

In the Preferred Alternative, a new bridge would be constructed across a segment of the Genesee River that has been afforded the protections of a Study River under Section 7 of the National Wild and Scenic Rivers Act and that is listed on the NRI. The new bridge in this alternative would be an arch structure that would span across the river with supports founded at the top of the gorge walls. No bridge supports would be placed in the river. The existing bridge would be removed. The existing piers in the river would also be removed.

As noted above, federally assisted projects are prohibited if they would have a "direct and adverse effect" on the values for which a river was added to the list of Study Rivers under Section 7 of the National Wild and Scenic Rivers Act. In addition, all federal agencies must seek to avoid or otherwise mitigate actions that would adversely affect any river segments listed on the NRI. Prior to issuing permits or authorizations, federal agencies must consult with the NPS in accordance with Section 7 of the National Wild and Scenic Rivers Act. An effects analysis per Section 7 evaluation procedure considers how the proposed activity will alter within-channel conditions, riparian or floodplain attributes, and upland conditions, with particular emphasis on how the activity could affect the river's ORVs.

This analysis is provided below.

- **Free-Flowing Conditions:** The proposed arch bridge in the Preferred Alternative would have no in-water footings and would therefore not impede flow of the river. Further, removal of the existing piers would have the positive impact of returning the river to its free-flowing condition in this area. The existing Portageville Bridge, including its in-water piers, would be removed, which would return the river to a free-flowing condition. Removal of the piers would require construction work in the water. This would include the use of turbidity curtains and could potentially include the use of a causeway to allow closer access to the piers for removal. These features would temporarily affect free-flowing conditions in order to create a long-term benefit.
- **Outstandingly Remarkable Values:**
 - Geologic Value: The Project would not affect the geology of the river within the gorge or the river's three significant waterfalls called out in its ORVs, which are located downstream of the Project site. The new bridge would be keyed into the bedrock at the top of the gorge on each side of the river. Once the foundation area excavation is complete, drape netting (a metal mesh curtain) would be applied to the newly exposed rock face to stabilize the rock face and prevent rockfall. Other than in the areas to be excavated, the bedrock's features would remain unaltered.
 - Recreational Value: The Project would not affect paddling opportunities downstream of the bridge, which are located downstream of the Project site. Free-flowing conditions

near the bridge would be enhanced rather than adversely affected, and therefore river flow conditions downstream would also not be adversely affected.

- Scenic Value: In terms of scenic qualities, construction activities for the new bridge would result in temporary visual impacts to viewers and viewsheds, including closures of trails and associated viewing locations, and the operation of heavy machinery, including construction cranes that would be visible above the vertical limits of the existing bridge.

As discussed in Chapter 4.4.13, "Visual Resources," removal of the existing bridge would result in an adverse visual impact, because the bridge is an important visual element in Letchworth State Park, itself an aesthetic resource of statewide significance. At the same time, however, removal of the bridge would open up more natural views of the gorge that are not available today, resulting in a positive effect on the natural scenic qualities of the river gorge.

The proposed new bridge would be an arch structure, chosen to harmonize with the natural scenic values of the river. The arch would not have any supports in the river or gorge, opening up clear views of the natural features there. This would enhance the scenic value of this portion of the river. Moreover, the scenic nature of the river in this section was identified with a bridge already in place. Therefore, a new bridge in the same general location (parallel to and 75 feet south of the existing bridge) would not adversely affect the scenic resource of this portion of the river and would avoid the potential for new impacts that might result if the new bridge were instead built in a new location in the park, which would have a greater effect on established viewsheds and sensitive viewer locations.

The bridge would be anchored within the gorge walls on either side of the river within excavated areas of the cliff. The rock walls within the excavated areas would be stabilized to prevent erosion with metal drape netting (a metal mesh curtain). A total of 13,800 square feet of existing cliff face surface would be blasted to create the two excavated areas where the bridge supports would be anchored. Within those two areas, a total of 24,000 square feet of bedrock would be newly exposed and would require stabilization to prevent future erosion. The use of drape netting rather than shotcrete (sprayed concrete), as was used at the existing bridge, was selected to minimize the visual impact on the gorge. The drape netting is less visible and will allow vegetation to grow on the rock, which may eventually conceal the drape netting.

In the excavated areas of the cliff face where the new bridge's foundations are located, some areas of newly excavated rock may be visible, but the bridge structure itself and vegetation in the foreground would largely block those views. The drape netting would be visible when viewed from directly across the river and locations nearby. Due to its location within the pockets that house the new bridge supports, the drape netting is unlikely to be visible when viewed from downriver (to the north) or upriver (to the south).

- ***Within-Channel Conditions:*** The only in-water work that would be required for installation of the new bridge would be the installation of the temporary work trestle/causeway that would be used for construction and demolition activities. This temporary construction element would not affect within-channel conditions. The Project would include erosion and sediment control measures and stormwater control measures during construction to protect the water quality of the Genesee River.

Removal of the existing bridge piers in the water could cause temporary water quality degradation, but this effect would be minimal and localized because the river bottom consists primarily of bedrock. These impacts would mostly be limited to increased turbidity and suspended sediments that may have been deposited around the existing piers.

Measures, such as the use of turbidity curtains, would be employed where feasible and necessary to minimize impacts to the river. Overall, there would be no adverse effects to water quality or the Genesee River's channel during construction. Upon completion of the Project, the new bridge and the removal of the existing piers would have the positive effect of returning the river to its free-flowing condition.

- ***Riparian and Floodplain Conditions:*** As discussed in Chapter 4.4.5, "Floodplains," the banks of the Genesee River gorge at the Project site are extremely steep and there are no floodplains present. Riparian zones are narrow on both banks of the river, transitioning to steep slopes of the gorge. After removal of the existing bridge, areas formerly occupied by the existing structure would be planted with native vegetation, where feasible and in coordination with the OPRHP, to allow for bank stabilization and erosion control. The existing shotcrete protection would remain on the gorge walls to stabilize the walls where excavation has occurred in the past.

As the new bridge would be keyed into the bedrock of the gorge, there would be no re-grading activities or other physical alteration of the Genesee River's riparian zone. Protection would be placed on the gorge walls in the vicinity of the new abutments to stabilize the area and prevent erosion.

- ***Upland and Offsite Conditions:***

Natural Resources: As discussed in Chapter 4.5, "Construction Effects," construction activities for the Preferred Alternative would require the loss of approximately 4.1 acres of vegetated habitat, comprising 2.1 acres of hemlock-northern hardwood forest, 0.9 acres of disturbed successional northern hardwood forest, and 1.1 acres of shale cliff and talus community. Pockets of maintained/mowed railroad right-of-way occur within the forested habitats. The construction would also require the placement of fill in a 0.03-acre portion of a 0.09-acre wetland (Wetland A). The disturbance to the shale cliff and talus slope community has the potential to adversely affect coast creeping moss, a species that is considered critically imperiled in New York State. Although the presence of this moss in the Project area is not confirmed, the moss has been identified in a similar area nearby and potentially suitable habitat for the moss is present at the Project site. Given the critically imperiled status of this species, its potential loss within the 1.1 acres of shale cliff and talus slope community that would be permanently lost due to construction, and the loss of this area as potential habitat for this species, would be considered an adverse impact. Construction of the Project would not impact known populations of this species located outside of the Project area.

The removal of existing forested habitat, shale cliff and talus slope, and the small wetland would affect the wildlife species that use these habitats during construction. However, the wildlife species inhabiting the Project area are, in general, fairly mobile and could move to adjacent areas to forage, breed, and conduct other life activities. Habitat for these species is abundant in Letchworth State Park and relatively contiguous with the Project area. More information on the specific effects of construction of the Project on species present on and near the Project site is provided in Chapter 4.5, "Construction Effects." In coordination with OPRHP and NYSDEC, the Project will include a tree planting and revegetation program to mitigate for the habitat loss due to the removal of forested vegetation.

Construction activities for the Project also have the potential to adversely affect other wildlife in the area, although wildlife species that are present in the Project area are most likely already tolerant of and habituated to noise, because of the regular passage of freight trains over the railroad right-of-way and existing bridge. Any impacts to individuals that do occur would not result in adverse impacts at a population level to any

of the species that may be affected. Construction activities for the Preferred Alternative have the potential to temporarily impact the foraging, roosting, and/or breeding of a pair of bald eagles that nest in the vicinity of the Project site. As described in Chapter 4.5, "Construction Effects," Norfolk Southern is coordinating with the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts to a pair of bald eagles known to nest in the vicinity of the Project site, and will implement measures to minimize disturbance to the eagles during construction, in accordance with the requirements of a permit that will be obtained from the USFWS pursuant to the federal Bald and Golden Eagle Protection Act. Norfolk Southern has also coordinated with USFWS regarding the potential impacts to northern long-eared bats that might roost in trees within the Project area. Following USFWS guidelines, all tree clearing for the Project will be limited to the period from October 31 to March 31, to avoid disturbing any northern long-eared bats (proposed for listing as federally endangered) and eastern small-footed bats (New York State special concern) that may use the habitat outside their hibernation period. Based on the conservation measures proposed, FHWA determined that the Project may affect, but is not likely to adversely affect, the proposed endangered long-eared bat. In a letter dated May 14, 2014, the USFWS concurred with this determination (see the Biological Evaluation and consultation correspondence in **Appendix B** of this DEIS).

Operation of the Project under the Preferred Alternative would not be expected to adversely affect the wildlife species present in the Project area, which are already accustomed to the presence of a freight railroad. The operation of the Project also would not result in adverse impacts to vegetation, including coast creeping moss that may be present in or near the Project area.

Cultural Resources: As discussed in Chapter 4.4.11, "Historic and Cultural Resources," the Preferred Alternative would result in an adverse effect on Letchworth State Park, which is listed on the State and National Registers of Historic Places. Consultation related to the effects of this alternative has been undertaken in accordance with Section 106 of the National Historic Preservation Act, and mitigation has been developed. Consulting Parties include OPRHP, the State Historic Preservation Office, three federally recognized Indian tribes, and other parties granted Consulting Party status by the Federal Highway Administration as lead agency.

- **Hydrologic and Biological Processes:** The new bridge would have no effect on hydrologic and biological processes within the river. Removal of the existing bridge piers may cause some change to the local hydraulic characteristics within the vicinity of the existing bridge piers located in the river bed. However, removing the existing bridge piers would return the river to its natural, unobstructed free-flowing condition.

New York State Wild, Scenic and Recreational Rivers

The Preferred Alternative would replace an existing bridge across the Genesee River, a designated Scenic River in New York State, with a new bridge in approximately the same location. As noted earlier, the Portageville Bridge Project does not require a Wild, Scenic and Recreational Rivers permit from New York State because this permit is preempted under applicable federal law. In any case, Norfolk Southern will work with the NYSDEC and OPRHP to address any concerns related to protection of the Genesee River, to the extent feasible and appropriate. Any such measures would be consistent with applicable federal law including the Interstate Commerce Commission Termination Act of 1995 and the Federal Railway Safety Act of 1976. It should be noted that, according to NYSDEC regulations (6 NYCRR § 666.13A), replacement of an existing structure and continuation of a lawfully existing land use do not require a Wild, Scenic and Recreational Rivers permit.

4.4.3-5 SUMMARY OF MITIGATION

A number of Build alternatives were developed for the Project that would not require a new crossing of the Genesee River within Letchworth State Park. However, these alternatives did not meet the purpose and need of the Project or were found to be unreasonable and therefore were eliminated from further consideration.

In the Preferred Alternative, measures have been incorporated into the Project to mitigate potential adverse impacts. Those measures include the following:

- Placement of the new bridge would be parallel and close to that of the existing bridge, respecting the existing viewsheds in the park; a rail bridge has been present above Upper Falls since before Letchworth State Park was established, and has contributed to the scenic qualities of the Genesee River in this area.
- The arch structure of the bridge would avoid construction of in-water support structures that would affect the hydrologic conditions and flow of the river.
- The arch structure of the bridge would enhance natural views in the gorge. Removal of the existing bridge would open up wide views of the gorge that were not previously available.
- Areas of the gorge where rock excavation is required will be treated with drape netting (a metal mesh curtain) to stabilize the rock and minimize visual impacts.
- Removal of the piers of the existing bridge would return the river to a natural, free-flowing condition.
- Upland areas affected by construction will be planted with native vegetation, where feasible and in coordination with the OPRHP, to allow for bank stabilization and erosion control.
- The Project will also include coordination with NYSDEC to the extent feasible to address concerns of the NYSDEC related to the river's status as a New York State-designated Scenic River.
- Consultation regarding effects to historic resources and potential significant cultural sites has been undertaken with OPRHP, Native American tribes, and other Section 106 Consulting Parties, and mitigation measures for the Project's effects have been developed. Mitigation measures will be set forth in a Memorandum of Agreement (MOA) prepared in accordance with Section 106 of the National Historic Preservation Act that outlines agreed-upon measures to mitigate the Project's effects on historic properties. A Draft MOA is included in **Appendix C** of this DEIS.
- Potential impacts to the Genesee River during construction will be minimized through use of stormwater management measures and erosion and sediment control measures designed to minimize impacts to water quality during construction. In addition, controlled blasting will be conducted using containment measures for falling rock.
- Removal of existing bridge piers in the river will be performed in accordance with a permit from the USACE. The permit conditions would mitigate potential adverse impacts on the Genesee River. Measures, such as the use of turbidity curtains, will be employed where feasible and necessary to minimize in-water impacts to the river.